

Message

From: Seltzer, Mark [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1F81D6FC209B46CC8403097548FC3930-SELTZER, MARK]
Sent: 2/5/2019 3:32:36 PM
To: Goldstein, Elana [goldstein.elana@epa.gov]
Subject: FW: Section 21 Petition Update
Attachments: OECA RESPONSE: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

From: Seltzer, Mark
Sent: Monday, February 04, 2019 10:05 AM
To: Kirk, Andrea <Kirk.Andrea@epa.gov>
Subject: RE: Section 21 Petition Update

Andrea—

As did we in enforcement. I attached our comments on the Section 21 petition response.

Ex. 7(A)

Ex. 7(A)

Ex. 7(A)

-m

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

From: Kirk, Andrea
Sent: Monday, February 04, 2019 8:28 AM
To: Seltzer, Mark <Seltzer.Mark@epa.gov>
Cc: Libelo, Laurence <Libelo.Laurence@epa.gov>; Fitz-James, Schatzi <Fitz-James.Schatzi@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Martin, Clyde F <clyde.f.martin@ttu.edu>
Subject: RE: Section 21 Petition Update

Thanks Mark,
OSRTI's Asbestos Technical Review Workgroup expressed very similar concerns. As did I. Will be interesting to see how this falls out.
Andrea

From: Seltzer, Mark

Sent: Thursday, January 31, 2019 4:30 PM

To: Kramek, Niva <kramek.niva@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Carmichael, Lea <carmichael.lea@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Goldstein, Jessica <goldstein.jessica@epa.gov>; Gorder, Chris <Gorder.Chris@epa.gov>; Gsell, Alyssa <Gsell.Alyssa@epa.gov>; Hall, Franklyn <Hall.Franklyn@epa.gov>; Kirk, Andrea <Kirk.Andrea@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>; Peffers, Mel <Peffers.Mel@epa.gov>; Pfahles-Hutchens, Andrea <Pfahles-Hutchens.Andrea@epa.gov>; Scarano, Louis <Scarano.Louis@epa.gov>; Sharkey, Susan <Sharkey.Susan@epa.gov>; Sherlock, Scott <Sherlock.Scott@epa.gov>; Silagi, William <Silagi.William@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Taylor, Jeffrey <Taylor.Jeffrey@epa.gov>; Wilber, Eric <Wilber.Eric@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>

Subject: RE: Section 21 Petition Update

Workgroup—

I just saw this in B&A. A new section 21 petition on asbestos from the AGs. See attached.

<https://news.bloombergenvironment.com/environment-and-energy/epa-choosing-blinders-to-ignore-asbestos-concerns-15-ags-say>

EPA Choosing 'Blinders' to Ignore Asbestos Concerns, 15 AGs Say

Posted Jan. 31, 2019, 3:58 PM

By Pat Rizzuto

The EPA must take its “blinders” off and collect information about the extent to which asbestos and asbestos-containing products are used in the U.S., 15 attorneys general told the agency Jan. 31.

Unless the Environmental Protection Agency understand ongoing uses of asbestos, neither it nor states will be able to protect their residents, the attorneys general said in a petition to acting Administrator Andrew Wheeler asking the agency to issue a new rule to get the needed information.

The attorneys general represent Massachusetts, California, Connecticut, Hawaii, Maine, Maryland, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia.

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From: Kramek, Niva

Sent: Friday, December 28, 2018 4:15 PM

To: Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Carmichael, Lea <carmichael.lea@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Goldstein, Jessica <goldstein.jessica@epa.gov>; Gorder, Chris <Gorder.Chris@epa.gov>; Gsell, Alyssa <Gsell.Alyssa@epa.gov>; Hall, Franklyn <Hall.Franklyn@epa.gov>; Kirk, Andrea <Kirk.Andrea@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>; Peffers, Mel <Peffers.Mel@epa.gov>; Pfahles-Hutchens, Andrea <Pfahles-Hutchens.Andrea@epa.gov>; Scarano, Louis <Scarano.Louis@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Sharkey, Susan <Sharkey.Susan@epa.gov>; Sherlock, Scott <Sherlock.Scott@epa.gov>; Silagi, William <Silagi.William@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Taylor, Jeffrey <Taylor.Jeffrey@epa.gov>; Wilber, Eric <Wilber.Eric@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>

Subject: RE: Section 21 Petition Update

Hi everyone –

Tyler is out this week, and I wanted to be sure to provide a status update to everyone. First, thank you for all your work on this section 21 petition. The response was completed and delivered on time. It is visible here:

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/tsca-section-21#cdr> I've also attached the PDF of the signed response letter (which was sent on 12/22 by email and post to the petitioner) and the PDF of the pre-publication FRN with the rationale for denial.

The FRN was signed on 12/21 and transmitted to OP. It currently is with OP, because funding for OFR ceased at the end of the day on 12/21 and they were not accepting new notices. The publication date will not be known until funding resumes.

Thanks!

Niva

Niva Kramek
Associate Chief,
Existing Chemicals Branch, Chemical Control Division
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
202-564-4830
Kramek.niva@epa.gov

From: Lloyd, Tyler

Sent: Monday, December 10, 2018 8:14 AM

To: Carmichael, Lea <carmichael.lea@epa.gov>; Cybulski, Walter <Cybulski.Walter@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Goldstein, Jessica <goldstein.jessica@epa.gov>; Gorder, Chris <Gorder.Chris@epa.gov>; Gsell, Alyssa <Gsell.Alyssa@epa.gov>; Hall, Franklyn <Hall.Franklyn@epa.gov>; Kirk, Andrea <Kirk.Andrea@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>; Peffers, Mel <Peffers.Mel@epa.gov>; Pfahles-Hutchens, Andrea <Pfahles-Hutchens.Andrea@epa.gov>; Scarano, Louis <Scarano.Louis@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Sharkey, Susan <Sharkey.Susan@epa.gov>; Sherlock, Scott <Sherlock.Scott@epa.gov>; Silagi, William <Silagi.William@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Taylor, Jeffrey <Taylor.Jeffrey@epa.gov>; Wilber, Eric <Wilber.Eric@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>

Subject: Petition Update

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Asbestos Petition WG,

We haven't meet in many weeks and I have been largely silent for many of you. I apologize. The petition has taken longer than expected to get into FAR-like review, but it has been polished over a series of back-and-forths of OPPT management review.

As an FYI, I have attached the most recent version of the petition dated 12-3-2018. This is for your records and not a copy for comment. Notable changes are the reorganization of the document and the recognition of an additional request we received from Bob Sussman on November 29.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please do not hesitate to contact me with any questions.

Best,
Tyler

Tyler Edward Lloyd

Environmental Protection Specialist
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Tel (202) 564-4016

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